

**RULES
OF
THE TENNESSEE CORRECTIONS INSTITUTE**

**CHAPTER 1400-2
MINIMUM STANDARDS FOR NON-SECURE HOLDING FACILITIES FOR JUVENILES**

TABLE OF CONTENTS

1400-2-.01	Introduction	1400-2-.08	Supervision
1400-2-.02	Detention Statutes	1400-2-.09	Training
1400-2-.03	Definitions	1400-2-.10	Services
1400-2-.04	Length of Stay	1400-2-.11	Security
1400-2-.05	Physical Plant	1400-2-.12	Life Safety
1400-2-.06	Admission	1400-2-.13	Administration/Management
1400-2-.07	Medical/Health	1400-2-.14	Personnel

1400-2-.01 INTRODUCTION.

- (1) Purpose of Certification: The primary purpose of certification is protection. Protection has a triple focus which is that of (a) properly housing children; (b) protection of the community at large; and (c) reduce the liability for the facility and the staff. Minimum requirements seek to maintain adequate health, safety, and supervision of children while they are under the care of the court system, consistent with the charge of treatment, training, and rehabilitation called for in T.C.A. §37-1-101.
- (2) Child Care Services: Under the direction of the court, child care service may be offered by either facilities directly owned by the county/municipality, or provided directly under contract with the county/counties/municipality.
- (3) Legal Basis for Certification: Under the authority of T.C.A. §41-4-140, the Tennessee Corrections Institute is required to establish minimum standards for local detention facilities in the state and conduct an annual inspection of each facility.
- (4) Local Child Care Facilities: These facilities are one of the initial steps in the housing of children involved with the court system and within them, those children receive their first impression of this system. Their experience will be a major force in their future development in the community.
- (5) Temporary Holding Resource., A short-term (72 hours, exclusive of non-judicial days) placement alternative for children pending adjudication, or dispositional placement, or pending return to a dispositional placement.
- (6) The Tennessee Corrections Institute: In carrying out its mission and responsibilities under the authority of T.C.A. §41-4-140, the Tennessee Corrections Institute opens communication with local agencies with the intent to upgrade the delivery of services to the children of Tennessee.
- (7) Basic Information:
 - (a) Statutory Authority. The standards contained in this document are a result of revisions of the 1985 Standards of the Tennessee Corrections Institute. These standards have been revised under the authority of T.C.A. §41-4-140.
 - (b) The standards contained herein refer only to a non-secure temporary holding facility for children which may have secure capabilities. This facility is designed to provide a short-term placement as an alternative to detention in an adult jail for children under the age of eighteen (18) who meet the criteria outlined by T.C.A. §37-1-114. Temporary Holding Resources located on the

(Rule 1400-2-.01, continued)

same grounds or under the same roof as an adult jail must meet the requisites of separation as set forth by T.C.A. §37-1-116.

- (c) This facility is designed primarily to house no more than eight (8) children, and be primarily a staff secure facility with a maximum of two (2) hardware secure rooms. At least half of the rooms in the facility shall be non-secure.
- (d) This facility is designed to house children who:
 - 1. Are in need of legal temporary placement;
 - 2. Are pending adjudication; or
 - 3. Are awaiting disposition.
- (e) Nothing contained in these standards shall be construed to prohibit a city, county, or city/county agency operating a facility from adopting standards governing its personnel and facility, provided such standards meet or exceed and do not conflict with the standards established and recorded herein. Nor shall the standards be construed as authority to violate any state fire safety standard, building standard, health or safety code, or any Department of Human Services licensure requirement.
- (f) Notes. Any notes or recommendations following a standard are advisory in nature and will not be mandatory.
- (g) Validity. If any article, section, sentence, clause, or phrase of the minimum standards established and recorded herein is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the Tennessee Corrections Institute, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of the standards.

Authority: T.C.A. §41-4-140. **Administrative History:** Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.

1400-2-.02 DETENTION STATUTES.

- (1) T.C.A. §37-1-114 - Detention or shelter care of child prior to hearing of petition.
 - (a) A child taken into custody shall not be detained or placed in shelter care prior to the hearing on the petition unless there is probable cause to believe that:
 - 1. The child has committed the delinquent or unruly act with which he is charged; or
 - 2. The child is a neglected, dependent or abused child, and in either case his detention or shelter care is required because the child is subject to an immediate threat to his health or safety to the extent that delay for a hearing would likely result in severe or irreparable harm, or the child may abscond or be removed from the jurisdiction of the court, and, in either case, there is no less drastic alternative to removal of the child from custody of his parents, guardian, or legal custodian available which would reasonably and adequately protect the child's health or safety or prevent the child's removal from the jurisdiction of the court pending a hearing.
 - (b) Children alleged to be unruly shall not be detained for more than twenty-four (24) hours excluding non-judicial days unless there has been a detention hearing and a judicial determination that there is probable cause to believe the child has violated a valid court order, and in no event shall such child be detained for more than seventy-two (72) hours exclusive of

(Rule 1400-2-.02, continued)

non-judicial days prior to an adjudicatory hearing. Nothing herein shall prohibit the court from ordering the placement of children in shelter care where appropriate, and such placement shall not be considered detention within the meaning of this section.

(c) A child shall not be detained in any secure facility or secure portion of any facility unless:

1. There is probable cause to believe the child has committed a delinquent offense constituting a crime against a person resulting in the serious injury or death of the victim or involving the likelihood of serious injury or death to such victim;
2. There is probable cause to believe the child has committed a delinquent offense involving the likelihood of serious physical injury or death, or a property offense constituting a felony, and the child:
 - (i) Is currently on probation;
 - (ii) Is currently awaiting court action on a previous alleged delinquent offense;
 - (iii) Is alleged to be an escapee or absconder from a juvenile facility, institution or other courtordered placement; or
 - (iv) Has, within the previous twelve (12) months, willfully failed to appear at any juvenile court hearing, engaged in violent conduct resulting in serious injury to another person or involving the likelihood of serious injury or death, or been adjudicated delinquent by virtue of an offense constituting a felony if committed by an adult;
3. There is probable cause to believe the child has committed a delinquent offense and special circumstances in accordance with the provisions of subsection (a) indicate the child should be detained; however, in any such case the judge shall, within twenty-four (24) hours of the actual detention, excluding non-judicial days, issue a written order on a form prescribed by the Tennessee Council of Juvenile and Family Court Judges setting forth the specific reasons necessitating such detention; however, nothing in this item shall be construed as requiring a hearing or formal finding of fact except as otherwise required by T.C.A. §37-1-117;
4. The child is alleged to be an escapee from a secure juvenile facility or institution;
5. The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony in that jurisdiction.
6. There is probable cause to believe the child is an unruly child who has violated a valid court order or who is a runaway from another jurisdiction; however, any detention of such a child shall be in compliance with subsection (b) above; and,
7. In addition to any of the conditions listed above in subdivisions 1 - 6 of this subsection, there is no less restrictive alternative that will reduce the risk of flight or of serious physical harm to the child or to others, including placement of the child with a parent, guardian, legal custodian, or relative; use of any of the alternatives listed in T.C.A. §37-1-116(g); and/or, the setting of bail.

(2) TC.A. §37-1-116 - Place of detention.

(Rule 1400-2-.02, continued)

- (a) Notwithstanding the provisions of this section to the contrary, in any facility which meets the following requisites of separateness, children who meet the detention criteria of T.C.A. §37-1-114(c) may be held in a juvenile detention facility which is in the same building or on the same grounds as an adult jail or lockup:
 - 1. Total separation between juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between child and adult residents in the respective facilities;
 - 2. Total separation in all juvenile and adult program activities within the facilities including recreation, education, counseling, health care, dining, sleeping, and general living activities;
 - 3. Separate child care and adult staff including management, security staff, and direct care staff such as recreational, educational, and counseling. Specialized services staff such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees or whose infrequent contacts occur under conditions of separation of children and adults can serve both; and
 - 4. In the event that state standards or licensing requirements for secure juvenile detention facilities are established, the juvenile facility must meet the standards and be licensed or approved as appropriate.
- (b) In determining whether the criteria set out in this subsection are met, the following factors will serve to enhance the separateness of child care and adult facilities:
 - 1. Child care staff are employees of or volunteers for a juvenile service agency or the juvenile court with responsibility only for the conduct of the child-serving operations. Child care staff are specially trained in the handling of children and the special problems associated with this group;
 - 2. A separate child care operations manual with written procedures for staff and agency reference specifies the function and operation of the program;
 - 3. There is minimal sharing between the facilities of public lobbies or office/support space for staff;
 - 4. Children do not share direct service or access space with adult offenders within the facilities including entrance to and exits from the facilities. All facility intake and admission processes take place in a separate area and are under the direction of the child care facility staff. Secure entrances (sally ports, waiting areas) are independently controlled by child care staff and separated from adult entrances. Public entrances, lobbies, and waiting areas for the detention program are also controlled by child care staff and separated from similar adult areas. Adult and children residents do not make use of common passageways between intake areas, residential spaces, and program/service spaces;
 - 5. The space available for children's living, sleeping, and the conduct of programs conforms to the requirements for secure detention specified by prevailing case law, prevailing professional standards of care, and by state code; and,
 - 6. The facility is formally recognized as a detention center by the state agency responsible for monitoring, review, and/or certification of detention facilities.

(Rule 1400-2-.02, continued)

Authority: T.C.A. §41-4-140. **Administrative History:** Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.

1400-2-.03 DEFINITIONS.

- (1) Supervisor: A person in direct attendance to the child.
- (2) Search: A visual as well as hands on inspection of either a child or a location.
- (3) Clothed body search: The method of having trained staff to “frisk” the clothed body of a child and thoroughly inspect that child for any contraband or weapons. All attempts will be made to guarantee the dignity of the child.
- (4) Contraband* Any item possessed by the child or found within the facility that is illegal by law or that is expressly prohibited by those legally charged with the responsibility for administration and operation of the facility or program.
- (5) Panic Hardware: A door latching assembly incorporating a device which releases the latch upon the application of force in the direction of exit travel. Tennessee Fire Marshall Standard Building Code 1114.2 (1988).
- (6) Secure Facility. A facility that is designed and operated to ensure that all entrances and exits are under the exclusive control of the facility’s staff, thereby not allowing a child to leave the facility unsupervised or without permission.
- (7) Child Detention Specialist: An employee of a county, local jurisdiction, or private agency who has chosen to successfully complete a one hundred and twenty (120) hour program of designated training as specified and monitored by the Tennessee Corrections Institute.
- (8) Status Offenders: Children who are charged with or who have committed offenses that would not be criminal if committed by an adult.
- (9) Non-Offenders: Dependent and neglected children, abused, throw-away children, etc.
- (10) Deinstitutionalization of Status Offenders (DSO) Violation: Federal and state law prohibit the secure detention or placement of status offenders or non-offenders for more than twenty-four (24) hours exclusive of non-judicial days, unless there is probable cause to believe that the child has violated a valid court order. A status offender may be securely detained beyond the twenty-four (24) hour grace period if a detention hearing held within the twenty-four (24) hour period reveals that there is a probable cause to believe the child has violated a valid court order. In such instances, a hearing on the violation must be held within seventy-two (72) hours exclusive of non-judicial days. A non-offender cannot be held for violating a valid court order.
- (11) Valid Court Order: For the purpose of determining whether a valid court order exists and a juvenile has been found to be in violation of that valid order all of the following conditions must be present prior to secure incarceration:
 - (a) The juvenile must have been brought into a court of competent jurisdiction and made subject to an order issued pursuant to proper authority. The order must be one which regulates future conduct of the juvenile.
 - (b) The court must have entered a judgment and/or remedy in accord with established legal principles based on the facts after a hearing which observes proper procedures.

(Rule 1400-2-.03, continued)

- (c) The juvenile in question must have received adequate and fair warning of the consequences of violation of the order at the time it was issued and such warning must be provided to the juvenile and to his attorney and/or to his legal guardian in writing and be reflected in the court record and proceedings.
 - (d) All judicial proceedings related to an alleged violation of a valid court order must be held before a court of competent jurisdiction. A juvenile accused of violating a valid court order may be held in secure detention beyond the twenty-four (24) hour grace period permitted by a non-criminal juvenile offender under Office of Juvenile Justice and Delinquency Prevention monitoring policy, for protective purposes as prescribed by state law, or to assure the juvenile's appearance at the violation hearing, as provided by state law, if there has been a judicial determination based on a hearing during the twenty-four (24) hour grace period that there is probable cause to believe the juvenile violated the court order. In such case, the juvenile may be held pending a violation hearing for such period of time as is provided by state law, but in no event should detention prior to a violation hearing exceed seventy-two (72) hours exclusive of non-judicial days. A juvenile found in a violation hearing to have violated a court order may be held in a secure detention or correctional facility.
 - (e) Prior to and during the violation hearing the following full due process rights must be provided:
 - 1. The right to have the charges against the juvenile in writing served upon him a reasonable time before the hearing;
 - 2. The right to a hearing before a court;
 - 3. The right to an explanation of the nature and consequences of the proceeding;
 - 4. The right to legal counsel and the right to have such counsel appointed by the court if indigent;
 - 5. The right to confront Witnesses,
 - 6. The right to present witnesses;
 - 7. The right to have a transcript or record of the proceedings; and
 - 8. The right of appeal to an appropriate court.
 - (f) In entering any order that directs or authorizes disposition of placement in a secure facility, the judge presiding over an initial probable cause hearing or violation hearing must determine that all the elements of a valid court order and the applicable due process rights were afforded the juvenile and, in the case of a violation hearing, the judge must determine that there is no less restrictive alternative appropriate to the needs of the juvenile and the community.
 - (g) A non-offender such as a dependent or neglected child cannot be placed in secure detention or correctional facilities for violating a valid court order.
- (12) Escapee: Any juvenile who:
- (a) Is alleged or adjudicated to be delinquent;

(Rule 1400-2-.03, continued)

1. Is confined to a secure detention or correctional facility designated, operated, or approved by the court; and
 2. Absconds or attempts to abscond from such facility may be charged with the offense of escape or attempted escape and a petition alleging such offense may be filed with the juvenile court of the county in which the alleged offense occurred;
- (b) Is alleged or adjudicated to be delinquent; and
1. Has been placed by the court in a secure detention or correctional facility, designated, operated, or approved by the court;
 2. Is being transported to or from such facility; and
 3. Absconds or attempts to abscond from the custody of the person responsible for such transportation; may be charged with the offense of escape or attempt to escape.
- (13) Runaway: An unruly child who is away from the home or residence of his parents or guardians without their consent. T.C.A. §37-1-102).
- (14) Secure Detention Facility: Any public or private residential facility which:
- (a) Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and
 - (b) Is used for the temporary placement of any juvenile who is accused of having committed an offense, of any non-offender, and of any other individual accused of having committed a criminal offense. (JJDP Act §103-12)
- (15) Secure Correctional Facility: Any public or private residential facility which:
- (a) Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and
 - (b) Is used for the placement after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any non-offender, or any other individual convicted of a criminal offense. (JJDP Act §103-13)

Authority: T.C.A. §41-4-140. **Administrative History:** Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.

1400-2-04 LENGTH OF STAY.

- (1) Children shall be detained in the Temporary Holding Resource in accordance with T.C.A. §§37-1-114 and 37-1-116.
- (2) Placement in Temporary Holding Resources shall be for as short a time as possible not to exceed a seventy-two (72) hour maximum length of stay, exclusive of non-judicial days.
- (3) Children who are alleged to be delinquent and meet the criteria for secure detention of T.C.A. §37-1-214(c) may be placed in secure custody in a Temporary Holding Resource for as short a time as possible, not to exceed a seventy-two (72) hour maximum length of stay, exclusive of non-judicial days.

(Rule 1400-2-.04, continued)

- (4) As provided by T.C.A. §37-1-114(b), children who are alleged to be status offenders may not be placed in secure custody in a Temporary Holding Resource for more than twenty-four (24) hours, exclusive of non-judicial days, unless there is probable cause to believe the child has violated a valid court order.
- (5) Dependent/neglected children shall not be detained in secure custody.
- (6) Children placed in the Secure Room must meet the Criteria established in T.C.A. §§37-1-114 and 37-1-116.

Authority: T.C.A. §41-4-140. **Administrative History:** Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.

1400-2-.05 PHYSICAL PLANT.

- (1) Secure Rooms shall be optional with a maximum of two (2). At least half of the rooms in the facility shall be non-secure.
- (2) Secure Rooms shall only be used as single occupancy and shall have a minimum of fifty (50) square feet of clear floor space if constructed after July 1, 1985. Facilities used for detention prior to July 1, 1985, shall have a minimum of forty-five (45) square feet. This room shall have at a minimum the following features:
 - (a) A tamper-resistant light fixture;
 - (b) Unbreakable watercloset and lavatory with cut-off valve located outside the room; and
 - (c) Concrete bed, sixteen (16) inches off the floor with rounded edges.

The room shall contain no structural projections which would allow the child to harm himself/herself.

- (3) Each facility shall have documentation of compliance with applicable sanitation and fire safety standards.
- (4) There must be access to natural lighting in the facility, i.e., the bedroom area or in the office/activity area.
- (5) Each child in placement overnight in the facility shall be provided with bedding, a fire retardant mattress, and a fire retardant pillow. The mattress, pillow and bedding shall be in good repair.
- (6) Space in the facility must be sufficient to accommodate the following activities:
 - (a) Interviews between child and court staff, attorneys, and other permitted by the court, including the capability of providing privacy, when necessary, for such interviews;
 - (b) Space for reading or other quiet activities;
 - (c) Eating;
 - (d) Sleeping; and
 - (e) Staff work assignments, i.e., paperwork, interviews, counseling, etc.

(Rule 1400-2-.05, continued)

- (7) There must be easy and unrestricted public access to the facility area for persons who have official business as designated by the court.
- (8) The facility shall have at least one (1) toilet and washbasin to every eight (8) children in the non-secure area.
- (9) There shall be at least one (1) operable shower in the facility for every eight (8) children.
- (10) Smoke detectors must be installed and operable in the facility.
- (11) Ceilings in the facility must be solid with no drop ceilings.
- (12) All glass in the facility area (windows, vision panels, etc.) shall be made of safety glass. All new construction, after January 1, 1991, shall have all windows, vision panels, etc., made of a mar resistant poly carbonate laminate.
- (13) All housing and activity areas shall provide at a minimum:
 - (a) Lighting of at least twenty (20) footcandles, to be measured three (3) feet off the floor, in the office/activities area;
 - (b) Lighting of at least 3 footcandles, to be measured three (3) feet off the floor, in all sleeping rooms, which are operable twenty-four (24) hours a day; and,
 - (c) A temperature of not less than sixty-five (65) degrees Fahrenheit and no more than eighty (80) degrees Fahrenheit.
- (14) The facility shall have emergency lights that are tested quarterly.
- (15) The facility shall have exit signs at all exits which are continuously illuminated.
- (16) Child care facilities located under the same roof or on the same grounds as an adult jail must meet the following criteria for separateness as outlined in T.C.A. §37-1-116(i).
 - (a) Total separation between child care and adult facility spatial areas such that there could be no haphazard or accidental contact between children and adult residents in the respective facilities;
 - (b) Total separation in all children's and adult's program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping, and general living activities;
 - (c) Separate child care and adult staff including management, security staff, and direct care staff such as recreational, educational, and counseling. Specialized services staff such as cooks, bookkeepers, and medical professionals who are not normally in contact with detainees or whose infrequent contacts occur under conditions of separation of children and adults can serve both; and
 - (d) A separate child care operations manual with written procedures for staff and agency reference specifying the function and operation of the child care program.
- (17) Plans for any new child care facility construction or renovation shall be in compliance with minimum standards recorded herein and be submitted to the Tennessee Corrections Institute and the State Fire Marshal's office for review prior to the start of construction.

(Rule 1400-2-.05, continued)

- (18) Plans for any new child care facility construction or renovation shall include provisions for handicapped persons to have access to all facilities and services.

Authority: T.C.A. §41-4-140. **Administrative History:** Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.

1400-2-.06 ADMISSION.

- (1) The facility administrator shall designate staff who have responsibility for the provision of or arrangement for the following services:
 - (a) Admission on a twenty-four (24) hour basis;
 - (b) Food service for those in placement;
 - (c) Notification of parents when children are in placement;
 - (d) Notification of the juvenile court and other appropriate agencies when children are in placement;
 - (e) Assurance of the provision of due process rights and procedures for children in placement; and
 - (f) Explanation of facility rules and procedures and provision of written copy to children in placement.

Authority: T.C.A. §41-4-140. **Administrative History:** Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.

1400-2-.07 MEDICAL/HEALTH.

- (1) Admission Medical Screening shall be performed on all children prior to placement in the facility. The findings shall be recorded on a printed screening form. The child care worker performing this duty shall check for:
 - (a) A serious illness or communicable disease;
 - (b) A comatose state;
 - (c) Obvious wounds;
 - (d) Prescribed medications; and
 - (e) Homicidal/suicidal ideation.
- (2) The provision of medical services for the facility shall be the responsibility of a designated medical authority such as a hospital, clinic, or physician. There shall be an agreement between the governmental funding agency responsible for the facility and the hospital/clinic/physician responsible for such services. A copy of the agreement shall be on file in the facility clearly designating the extent of the authority and the procedures to follow including procedures for dispensing and recording medication (standing orders).
- (3) A first aid kit approved by a physician shall be provided.
- (4) All meals shall be prepared (except when catered) and served under the direct supervision of staff.

(Rule 1400-2-.07, continued)

- (5) Policies and Procedures shall provide for at a minimum:
 - (a) Documentation of all requests by children to access medical treatment, and
 - (b) Documentation of treatment received per request;
 - (c) Documentation of all injuries to children and staff.
 - (d) Documentation of authority to access medical care.

Authority: T.C.A. §41-4-140. **Administrative History:** Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.

1400-2-.08 SUPERVISION.

- (1) A female child care worker must be available when there are female children in the facility to conduct and document:
 - (a) Searches;
 - (b) Showers;
 - (c) Health checks; and
 - (d) Periodic observations (refer to No. 4 of this section).
- (2) Child care staff must have direct visual access to children who are in placement.
- (3) Child care staff shall be physically present at all times when children are in placement.
- (4) Child care staff must provide continual supervision of all children in placement, including at a minimum the following levels of visual contact:
 - (a) Every fifteen (15) minutes for all incoming children for the first six (6) hours.
 - (b) Every fifteen (15) minutes for all children housed in the secure rooms;
 - (c) Every thirty (30) minutes for children in non-secure rooms;
 - (d) Children exhibiting homicidal/suicidal ideation should be under constant direct supervision or at a minimum shall be observed every fifteen (15) minutes:
 - 1. Referral to appropriate and predesignated mental health practitioner shall be made and documented;
 - 2. Reasons for removal from the general population documented;
 - 3. Behavior of child during this period shall be clearly documented; and
 - 4. Authorization for release from constant supervision shall be made by licensed and designated authority.

(Rule 1400-2-.08, continued)

- (e) The time of all supervision checks shall be logged as well as the documentation of the behavioral observations of the child.

Authority: T.C.A. §41-4-140. **Administrative History:** Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.

1400-2-.09 TRAINING.

- (1) Each full/part-time person who directly supervises children in placement in a facility must have successfully completed an accredited CPR and emergency techniques course. Within the first month, all staff must receive at least eight (8) hours of formal documented pre-service training designed to familiarize each person with the function and mission of the facility, as approved by the Tennessee Corrections Institute and shall include but not be limited to:
 - (a) Expected behavior of children upon detention;
 - (b) Active listening;
 - (c) Crisis intervention;
 - (d) Substance Abuse;
 - (e) Physical/sexual abuse and victimization;
 - (f) Cultural/ethnic awareness;
 - (g) Suicide detection and screening;
 - (h) Brief history and description of Jail Removal Services Project;
 - (i) Juvenile court process;
 - (j) Description of the purpose and operating policies and procedures of the facility; and
 - (k) Purpose and function of child care staff in regard to holding children in a non-hardware secure facility.
- (2) The administrator, as well as each full-time child care staff who directly supervises children, must receive forty (40) hours of basic training for Child Care Workers provided by the Tennessee Corrections Institute within the first year of employment.
- (3) The administrator, as well as each full-time child care staff who directly supervises children must receive, after the first year of employment, forty (40) hours of in-service training in working with children and not less than sixteen (16) hours of which are to be provided by the Tennessee Corrections Institute. The remaining twenty-four (24) hours may be provided by the facility if course content is approved and monitored by the Tennessee Corrections Institute.
- (4) All training records shall be kept in both the facility files and in the individual files of each employee.

Authority: T.C.A. §41-4-140. **Administrative History:** Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.

1400-2-.10 SERVICES.

- (1) Each facility shall provide directly or provide access to at a minimum:
 - (a) Admission services, available on a twenty-four (24) hour basis;
 - (b) Visitation;
 - (c) Family and individual counseling;
 - (d) Diagnostic services;
 - (e) Mental health services;
 - (f) Medical services;
 - (g) Legal counsel;
 - (h) Food services with three (3) meals each twenty-four (24) hour period, with a maximum of twelve (12) hours between each meal;
 - (i) Exercise; and
 - (j) Transportation.
- (2) Each facility shall provide the following articles:
 - (a) Clean socks;
 - (b) Clean undergarments;
 - (c) Clean outer garments;
 - (d) Footwear;
 - (e) Clean personal clothing (if available) may be substituted for clothing provided by the facility at the discretion of the facility administrator;
 - (f) Soap;
 - (g) Toothbrush;
 - (h) Toothpaste;
 - (i) Comb;
 - (j) Toilet paper; and
 - (k) Feminine hygiene materials.

Authority: T.C.A. §41-4-140. **Administrative History:** Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.

1400-2-.11 SECURITY.

- (1) Only child care staff shall control use of all entrances and exits.
- (2) Facility policy and procedure shall require that all children be searched upon admission.
- (3) Written policy shall provide that backup staff be available in the event of a need for emergency assistance. Name and phone numbers of emergency backup staff shall be conspicuously posted in the facility.

Authority: T.C.A. §41-4-140. **Administrative History:** Original rule filed April 16, 1986; effective May 16, 1986. Repealed and new rule filed November 10, 1992; effective March 1, 1993.

1400-2-.12 LIFE SAFETY.

- (1) Provisions shall be made for handicapped persons to have access to all facilities and services. This shall be accomplished through construction design in all new construction and affirmatively through policy and procedure in all existing facilities.
- (2) Policy and procedure for emergency evacuation of the facility shall be developed in writing and posted in clear view throughout the area.
- (3) Panic hardware shall be installed on all outside exits.

Authority: T.C.A. §41-4-140. **Administrative History:** Original rule filed November 10, 1992; effective March 1, 1993.

1400-2-.13 ADMINISTRATION/MANAGEMENT.

- (1) Each facility shall have written policies and procedures governing the facility's operations. They shall be reviewed and updated annually. These policies and procedures shall be given to all employees and receipt documented.
- (2) There shall be a policy and procedure for the provision of admission services on a twenty-four (24) hour basis.
- (3) Policies shall provide for visitation, mail, and phone calls.
- (4) Policies shall establish the procedures for the delivery of or access to the following required services:
 - (a) Admission services available on a twenty-four (24) hour basis;
 - (b) Visitation;
 - (c) Family and individual counseling;
 - (d) Diagnostic services;
 - (e) Mental health services;
 - (f) Medical services;
 - (g) Legal counsel;

(Rule 1400-2-.13, continued)

- (h) Food services with three (3) meals each twenty-four (24) hour period, no more than 12 hours apart;
 - (i) Exercise; and
 - (j) Transportation.
- (5) Policies shall provide for positively based sanctions and prohibit the use of food, chemical agents, or corporal punishment as disciplinary actions.
- (6) Written policies shall provide for immediate notification of parents, court, and other necessary agencies.
- (7) Written policies shall ensure that the length of stay of children is in accordance with T.C.A. §37-1-114.
- (8) Written policies and procedures shall provide for Admission Data Forms to be completed for each child in placement and shall contain the following information unless otherwise prohibited by statute:
- (a) Date and time of admission and authority therefore;
 - (b) Name and aliases of child;
 - (c) Last known address;
 - (d) Specific charge(s);
 - (e) Sex;
 - (f) Age;
 - (g) Date of birth;
 - (h) Place of birth;
 - (i) Race;
 - (j) Employment;
 - (k) Education;
 - (l) Name and relationship of next of kin;
 - (m) Address of next of kin;
 - (n) Other key contact person(s) to notify in case of emergency (if different from above);
 - (o) Address of other key contact person(s) to notify in case of emergency;
 - (p) Legal custodian;
 - (q) Driver's license and social security number;
 - (r) Disposition of vehicle, where applicable;

(Rule 1400-2-.13, continued)

- (s) Notation of cash and property;
 - (t) Court date and time;
 - (u) Room assignment; and
 - (v) County of residence.
- (9) Policies shall provide for record keeping/documentation including at a minimum:
- (a) Due process compliance;
 - (b) Medication needs, medication dispensed, and precautions;
 - (c) Frequency of visual contacts between child care staff and children;
 - (d) Unusual behavior (i.e., extreme mood changes, suicide threats/gestures, prolonged depression, incoherence, withdrawals, etc.);
 - (e) Disciplinary actions;
 - (f) Unusual searches (i.e., strip searches, transport to medical for body cavity search, etc.);
 - (g) Contact such as visitors and telephone calls made and received by the child; and
 - (h) Physical restraint of an acting out child to include at a minimum:
 - 1. Procedures to use prior to placing a hand on a child, and;
 - 2. Procedures which have been designated by the facility, and in which staff have been continuously trained, and;
 - 3. Are the least restrictive in nature.
- (10) Policies and procedures shall provide for documentation of all searches of children, to include at a minimum:
- (a) Clothed body searches at entry into the facility;
 - (b) Clear written policy regarding the use of a strip search of a child, when it is clearly indicated that;
 - 1. The child may be carrying contraband which may either injure:
 - (i) That child;
 - (ii) Other children; or
 - (iii) Staff in the facility, and
 - 2. The items would not be found doing a clothed body search.

(Rule 1400-2-.13, continued)

- (c) Explicit written policy regarding the transfer of a child to designated, licensed, and approved medical personnel to perform any needed body cavity searches when:
 - 1. The behavior of the child indicates a need for immediate cavity/medical search for internally concealed drugs and/or weapons; or
 - 2. There is any visible evidence of contraband in a body cavity of a child which is detected in a properly documented strip search; or
 - 3. The child is too frightened or refuses to submit to a proper, documented search (clothed or stripped).
- (11) Policy and procedure shall provide for transportation guidelines which include but are not limited to the following:
 - (a) A description of roles of youth services officers, law enforcement officials, and transportation providers in detaining and transporting children;
 - (b) A procedure for determining that children meet the criteria as outlined in T.C.A. §37-1-114(c) and must be transported to an appropriate facility in another county;
 - (c) A procedure to assure that the transportation provider is furnished with the required paper work for detention;
 - (d) A procedure that enables the transportation provider to communicate any problems or needs of the child while in his/her custody to the care provider; and
 - (e) A statement that a female child needing transportation shall be in the company of or custody of a female person/provider.
- (12) Policies and procedures shall provide that transportation providers shall meet the following specifications:
 - (a) Be approved by the juvenile court;
 - (b) Attend a minimum four (4) hour documented orientation training program approved or provided through the local juvenile court unless the provider is a previously trained law enforcement officer in which case training need only include information applicable to the transporting of children and the admission procedures of facilities receiving them;
 - (c) Follow local Emergency Transportation Operations Manual of Policies and Procedures;
 - (d) Be employed by the police department, sheriff's department, juvenile court, county or city government, or be any county official covered by liability insurance with said county;
 - (e) Present a valid Class D with an F endorsement Tennessee driver's license, T.C.A. §55-50-102;
 - (f) Carry automobile liability insurance or drive a government vehicle which is covered by liability insurance; and
 - (g) Be covered by workers compensation insurance as a local government employee; however, this does not apply to counties which are self-insured.

(Rule 1400-2-.13, continued)

- (13) Written policy shall specify the duties of the transportation providers to include but not be limited to:
 - (a) Furnish a vehicle that is appropriate and reliable;
 - (b) Equip the vehicle to insure the safety of the passengers including an emergency first aid kit, snow tires, or chains (when appropriate), and portable or mobile radio communication (e.g., Citizen Band Radio);
 - (c) Furnish an enclosed vehicle to provide protection from cold and inclement weather, which allows the operator a constant viewing capability of the child being transported; and
 - (d) Provide the county an up-to-date copy of automobile liability insurance coverage for any personal automobile which provider shall use to transport any child.
- (15) Written policy shall provide that each child housed be allowed to visit with his/her parents or guardian at least once a day during the hours of 12:00 noon until 6:00 p.m. unless visitation is specifically prohibited by the juvenile court judge. Other visitors or hours of visitation must be approved by the temporary holding resource administrator or juvenile court judge.
- (16) Written policy shall provide that each child will be allowed to receive up to two (2) telephone calls a day from parents or guardian during the hours of 8:00 a.m. and 9:00 p.m. unless specifically prohibited by the juvenile court judge. Other callers or hours must be approved by the temporary holding resource administrator or juvenile court judge.
- (17) Written policy shall provide that each child be permitted unrestricted and confidential access to his/her attorney at any reasonable hour.
- (18) Written policy shall provide that mail received for a child in placement at the temporary holding resource will be opened in the presence of the child, searched for contraband, and given immediately to the child. Any mail from the child's attorney will be delivered immediately unopened to the child.
- (19) Written policy shall provide for written notification to the Department of Human Services of any suspected or reported instances of either sexual or physical abuse within twenty-four (24) hours of discovery.
- (20) Written policy shall provide for written notification within twenty-four (24) hours of discovery to the Department of Human Services, the Tennessee Corrections Institute, and the Tennessee Commission on Children and Youth of any report of or evidence of physical or sexual abuse or injury of a child in a facility while the child is in custody.
- (21) Written policy shall provide for notification of the Tennessee Corrections Institute and the Tennessee Commission on Children and Youth of any deinstitutionalization of status offenders violation.
- (22) Written policy shall provide for resident records to be safeguarded from unauthorized and improper disclosure.
- (23) Written policy shall provide for records of children to be maintained until the child's 23rd birthday.
- (24) Written policy shall provide for at a minimum:
 - (a) Documentation of all requests by children to access medical treatment, and
 - (b) Documentation of treatment received per request;

(Rule 1400-2-.13, continued)

- (c) Documentation of all injuries to children and staff.

Authority: T.C.A. §41-4-140. **Administrative History:** Original rule filed November 10, 1992; effective March 1, 1993.

1400-2-.14 PERSONNEL.

- (1) Written policy shall indicate that there is an Affirmative Action based hiring plan to include at a minimum, a clear commitment to recognize and develop the abilities of all minorities, women, and handicapped persons in compliance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the “Americans with Disabilities Act” (P.L. 101-336) of 1990.
- (2) Written policy shall indicate that there is a clear commitment to recognize diversity in hiring.
- (3) Written personnel policy shall provide for a hiring procedure which shall include at a minimum:
 - (a) Background check with National Crime Information Center;
 - (b) Background check with the Sex Abuse Registry;
 - (c) Background check with local law enforcement officials;
 - (d) Grievance procedure; and
 - (e) Review.

Authority: T.C.A. §41-4-140. **Administrative History:** Original rule filed November 10, 1992; effective March 1, 1993.